

IN THE UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

In re:)
) Case No. 19-47030-705
HH ST. LOUIS RAILWAY, LP,) Charles E. Rendlen III
) Chapter 7
Debtor.)
)
)

MOTION TO ABSTAIN AND DISMISS

COMES NOW HH St. Louis Railway LP (“HH Railway”), by and through counsel, and states as follows for its Motion to Abstain and Dismiss (the “Motion”):

1. On November 8, 2019 (the “Petition Date”), three alleged creditors filed an involuntary petition in the United States Bankruptcy Court for the Eastern District of Missouri (the “Bankruptcy Court”) seeking an order for relief under chapter 7 against HH Railway.¹
2. No trustee has been appointed in this bankruptcy case (“Bankruptcy Case”).
3. HH Railway is the owner of a landmark and iconic building in downtown St. Louis, the Railway Exchange Building, and the accompanying adjacent garage.
4. HH Railway hereby requests dismissal of this Bankruptcy Case pursuant to section 305 of the Bankruptcy Code as the Bankruptcy Court should abstain from exercising jurisdiction over this Bankruptcy Case. Alternatively, HH Railway requests dismissal of this Bankruptcy Case pursuant to section 707(a) of the Bankruptcy Code for cause.²
5. There are many reasons supporting dismissal of this Bankruptcy Case, including, without limitation, that the best interests of the creditors and HH Railway are served by permitting

¹ A fourth alleged creditor later joined in the filing of the involuntary petition.

² While section 305 also includes a provision for suspension of proceedings, a suspension would not be appropriate here, as the Bankruptcy Case would still remain pending and would adversely impair the ability of the HH Railway to proceed forward. At last resort, suspension would be better than entry of an order of relief.

HH Railway, its creditors and parties in interest to utilize existing state remedies and allow market conditions to mold what happens in this matter. The financial costs and burdens of a bankruptcy will impede and impair a resolution of all issues and will prejudice all efforts to maximize recovery for creditors.

6. In support of this Motion, HH Railway directs the Court to its Suggestions in Support of Motion to Abstain and Dismiss filed contemporaneously herewith and incorporated herein by reference.

WHEREFORE, HH St. Louis Railway LP prays that this Court enter its Order dismissing this case and granting such other and further relief as this Court deems just and proper.

Respectfully Submitted,
SUMMERS COMPTON WELLS LLC

Date: December 2, 2019

By: /s/ David A. Sosne
David A. Sosne, #28365MO
Brian J. LaFlamme, #49776MO
Attorney for Trustee
8909 Ladue Road
St. Louis, MO 63124
(314) 991-4999/(314) 991-2413 Fax
dasattymo@summerscomptonwells.com
blaflamme@summerscomptonwells.com

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing document was filed electronically on December 2, 2019 with the United States Bankruptcy Court for the Eastern District of Missouri and has been served on the parties in interest via e-mail by the Court's CM/ECF System as listed on the Court's Electronic Mail Notice List. I further certify that a true and correct copy of the foregoing document has also been served by Regular United States Mail Service, first class, postage fully pre-paid, addressed to those parties listed below on December 2, 2019

United States Department of Justice U.S. Trustee's Office 111 S. 10 th Street, Ste. 6353 St. Louis, MO 63102	John Talbot Sant, Jr. Affinity Law Group 1610 Des Peres Road, Suite 100 St. Louis, MO 63131
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/s/ Christina Hauck